

**UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF PENNSYLVANIA**

<b>SEAN PRESSLEY,</b>	:	
<b>Plaintiff,</b>	:	
<b>v.</b>	:	<b>CIVIL NO. 3:08-0449</b>
		<b>(MANNION, J.)<sup>1</sup></b>
<b>ADAM HUBER, <u>et al.</u>,</b>	:	
<b>Defendants.</b>	:	

**ORDER**

In accordance with the accompanying Memorandum, **IT IS HEREBY ORDERED:**

1. Defendants' Motion for Summary Judgment (Doc. 99) is **GRANTED in part and DENIED in part.**
2. The motion is **GRANTED** to the extent that summary judgment is entered in favor of Defendants and against Plaintiff with respect to Plaintiff's failure to exhaust the failure to protect claim and on the merits with respect to the due process cost assessment claim.
3. The motion for summary judgment is **DENIED** without prejudice, with respect to Defendants' argument that Plaintiff failed to exhaust his excessive force claim.
4. On or before April 21, 2017, a further motion for Summary Judgment, together with a brief in support and exhibits, may be submitted with respect to the exhaustion of administrative remedies on the excessive force claim, as discussed in the accompanying Memorandum. If no further dispositive motions are submitted in the time allotted, the matter will be scheduled for a final pre-trial conference and trial at the convenience of the court.

s/ Malachy E. Mannion  
**MALACHY E. MANNION**  
**United States District Judge**

Dated: March 21, 2017

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<sup>1</sup>This matter was reassigned to the undersigned on February 21, 2017.